

FISCAL MEMORANDUM

SB 202 – HB 729

June 7, 2007

SUMMARY OF AMENDMENT (010000): Deletes original bill in its entirety. Defines “knowingly” as having actual knowledge that a person is an illegal alien or having a duty imposed by law to determine the immigration status of an illegal alien and failing to perform such duty. Restates in more detail the existing requirement that the Department of Labor and Workforce Development (DOLWFD) revoke the licensure of any person knowingly employing, recruiting or referring for a fee for employment illegal aliens. States that the Department shall investigate and issue determinations on complaints made by state and local agencies and employees concerning the immigration status of workers in Tennessee. Requires Commissioner of DOLWFD to conduct contested case hearing pursuant to the Uniform Administrative Procedures Act after reviewing substantial evidence of a violation.

License of such person is suspended for first violation of the provisions of this bill until such person shows to the satisfaction of the Commissioner that they are no longer in violation. Such showing may be a sworn statement that the person is no longer employing illegal aliens. For second or subsequent violation occurring within three years, license is suspended for one year. Authorizes the legislative body of a municipality or county to enter into a memorandum of understanding with the United States Department of Homeland Security concerning the enforcement of federal immigration laws. Requires law enforcement officers to be trained pursuant to such memorandum of understanding and the funding for such training will be provided pursuant to the federal Homeland Security Appropriation Act of 2006, Public Law 109-90. Authorizes Commissioner to promulgate rules and regulations to effectuate the purposes of this act in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

FISCAL IMPACT OF ORIGINAL BILL:

MINIMAL

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Not Significant

Increase Local Govt. Expenditures – Not Significant

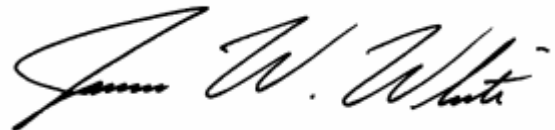
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Assumptions applied to amendment:

- DOLWFD is currently required to revoke the license of persons employing illegal aliens, Tenn. Code Ann. § 50-1-103, but, according to the Department, is not carrying out this responsibility. The cost of bringing DOLWFD into compliance with current law is not a cost attributable to this bill as amended. See Opinion of the Attorney General No. 07-79 (May 23, 2007) (state licensure laws are not preempted by 8 U.S.C. § 1324a(b)(2)).
- Any increase in local government expenditures to suspend or revoke a business license for violations of this bill is estimated to be not significant.
- Under Section 287(G) of the Immigration and Nationality Act, the U.S. Immigration and Customs Enforcement (ICE) currently provides individual local or state law enforcement agencies or government departments training related to immigration offenders. The costs of the five-week training sessions are paid by the U.S. Department of Homeland Security. No cost to state or local governments.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director

/LSC